

AMENDED IN SENATE APRIL 14, 2015

SENATE BILL

No. 361

Introduced by Senator Hill

(Coauthor: Senator Nielsen)

(Coauthors: Assembly Members Rodriguez and Waldron)

February 24, 2015

An act to add Section 1275.4 to the Health and Safety Code, relating to public health, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 361, as amended, Hill. Skilled nursing facilities: antimicrobial stewardship guidelines.

Existing law provides for the licensure and regulation of skilled nursing facilities by the State Department of Public Health. Under existing law, a violation of the provisions governing skilled nursing facilities constitutes a crime. Existing law also establishes the Hospital Infectious Disease Control Program, which requires the department and general acute care hospitals to implement various measures relating to the prevention of health care associated infection. The program requires, by July 1, 2015, that each general acute care hospital adopt and implement an antimicrobial stewardship policy, in accordance with guidelines established by the federal government and professional organizations, that includes a process to evaluate the judicious use of antibiotics, as specified.

This bill would require ~~the department~~, *all skilled nursing facilities, as defined*, by no later than ~~July 1, 2016~~, *to develop guidelines in accordance with guidelines established by the federal government and professional organizations, extending the principles of antimicrobial*

~~stewardship in order to promote the judicious use of antimicrobials in all skilled nursing facilities, as defined. January 1, 2017, to adopt and implement an antimicrobial stewardship policy. The bill would also require each skilled nursing facility, within 3 months of the establishment of antimicrobial stewardship guidelines by the federal Centers for Disease Control and Prevention or professional organizations, to amend its policy to be consistent with those antimicrobial stewardship guidelines.~~

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1275.4 is added to the Health and Safety
2 Code, to read:

3 ~~1275.4. (a) On or before July 1, 2016, the State Department~~
4 ~~of Public Health shall develop guidelines in accordance with~~
5 ~~guidelines established by the federal government and professional~~
6 ~~organizations, extending the principles of antimicrobial stewardship~~
7 ~~in order to promote the judicious use of antimicrobials in all skilled~~
8 ~~nursing facilities, as defined in subdivision (c) of Section 1250.~~

9 ~~(b) The department shall consult with long-term care~~
10 ~~organizations, infection prevention experts, and other interested~~
11 ~~stakeholders in the development of these guidelines.~~

12 1275.4. (a) (1) On or before January 1, 2017, each skilled
13 nursing facility, as defined in subdivision (c) of Section 1250, shall
14 adopt and implement an antimicrobial stewardship policy.

15 (2) Within three months of the federal Centers for Disease
16 Control and Prevention (CDC) or professional organizations,
17 including the Society for Healthcare Epidemiology of America
18 (SHEA), establishing antimicrobial stewardship guidelines specific

1 *to skilled nursing facilities, each skilled nursing facility shall*
2 *amend its antimicrobial stewardship policy to be consistent with*
3 *those newly established antimicrobial stewardship guidelines.*

4 (e)

5 (b) All skilled nursing facilities, as defined in subdivision (c)
6 of Section 1250, shall comply with ~~the department guidelines~~
7 ~~extending the principles of antimicrobial stewardship~~ *this section.*
8 Failure to comply with the ~~department's antimicrobial stewardship~~
9 ~~guidelines requirements of this section~~ may subject the facility to
10 the enforcement actions set forth in Section 1423.

11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.

20 SEC. 3. This act is an urgency statute necessary for the
21 immediate preservation of the public peace, health, or safety within
22 the meaning of Article IV of the Constitution and shall go into
23 immediate effect. The facts constituting the necessity are:

24 In order to protect Californians from the burden and threats posed
25 by the national security priority of antimicrobial-resistant
26 infections, it is necessary that this act take effect immediately.